IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Crl.MC.No. 3897 of 2006()

AGAINST THE ORDER DATED 07/11/2006 IN ORDER IN
CRMP.2634/2006 of JUDL. MAGISTRATE OF FIRST CLASS-III, KOZHIKODE

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PETITIONER: REVN. PETITIONER/ACCUSED/PETITIONER

SASIDHARAN KOLATHAI,
S/O. P.N.MADHAVAN NAIR, ADVOCATE, 1/85 KAILAS,
GURUVAYOORAPPAN COLLEGE P.O., CALICUT-14,
KOZHIKODE DISTRICT.

BY ADV. SRI.M.M.SHERIFF

RESPONDENTS: COMPLAINANT

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1. MANOJ KUMAR M.,
22/101-A, KOMMEDAM PARAMBA,
P.O.TIRUVANNUR, CALICUT-29.

2. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NOs.3897 & 3899 OF 2006

Dated this the 27th day of November, 2006.

ORDER

The petitioner in these two Crl.M.Cs is facing indictment in separate prosecutions under Section 138 of the N.I Act. The cases were filed as early as in the year 2004. The cases have reached the stage of evidence. The petitioner-a lawyer himself, filed an application to forward the cheques to the expert for comparison of handwriting and signature. By the impugned orders, the learned Magistrate rejected the application. The learned Magistrate took the view that the discretion under Section 254(2) Cr.P.C is not liable to be invoked in favour of the petitioner. The application, the learned Magistrate did opine, appears to have been filed for the sole purpose of protracting the case.

2. I have heard the learned counsel for the petitioner. I shall carefully avoid any expression of opinion on merits about the acceptability of the orders dismissing the prayer. Suffice it to say that I do not find any compelling reasons which can persuade this Court to invoke the jurisdiction under Section 482 Cr.P.C at this stage.

3. These Crl.M.Cs are, in these circumstances, dismissed. But subject to the observation that the dismissal of these Crl.M.Cs will not in any way fetter the rights of the petitioner to challenge the impugned orders along with the final orders to be passed by the learned Magistrate in these prosecutions.

R.BASANT
JUDGE

rtr/